

Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.



United States Department of Agriculture

Animal and Plant Health Inspection Service

APHIS 10-05-009

Managing Employee Issues and Conflict: An APHIS Approach

Reserve
aHD42
.M35
2005

**Alternative Dispute
Resolution Center**



**Conflict Prevention and
Resolution Program**



**Administrative
Grievance Process**

The Animal and Plant Health Inspection Service (APHIS) provides three primary services for employees to utilize in an effort to effectively manage and resolve conflict, employee–management-related issues, and instances of alleged equal employment opportunity (EEO) discrimination in the workplace.

Alternative Dispute Resolution Center

The Alternative Dispute Resolution (ADR) Center provides traditional EEO counseling and mediation to employees, applicants, former employees, and appropriate agency officials. The Center ensures the fair, equitable, and consistent application of Federal employment precepts and assists employees and managers in restoring and strengthening their work relationships with one another.

The Equal Employment Opportunity Commission has issued guidelines for processing complaints of employment discrimination. The regulations governing the processing of Federal-sector employment discrimination complaints are contained in Title 29, Code of Federal Regulations (CFR), Part 1614.

APHIS has established an ADR (i.e., mediation) process as a means to assist employees and managers in resolving EEO-related issues during the informal and formal complaints process. ADR and EEO counseling are essential to achieving early resolution of allegations of discrimination.

An EEO counselor or mediator will look into your concerns and try to bring about resolution within 30 days if you elect counseling, or within 90 days if you elect mediation. If your complaint is not resolved by the conclusion of the counseling or mediation process, the counselor or mediator will advise you of your right to file a formal complaint of discrimination, the period for doing so, and the appropriate office where you mail your complaint.

A request for counseling or mediation is required to be in writing and should include all of the following information:

- Your name, home address, and home telephone number.
- A brief description of the problem and the date on which it arose.
- Your request for anonymity (which means that the counselor or mediator will not reveal your name) during the EEO counseling process, if you so choose.

An individual must contact the APHIS Civil Rights Enforcement and Compliance (CREC) staff's ADR Center on (301) 734-6317 or (800) 342-7231 for information and/or to file a complaint. The office address is U.S. Department of Agriculture (USDA), APHIS, CREC 4700 River Road, Unit 92 Riverdale, MD 20737-1228.

Under Management Directive 110, which concerns resolving EEO matters, traditional EEO counseling or ADR (mediation) is the required first step in the Federal complaint process. An individual must contact the APHIS, CREC, ADR Center regarding an employment decision or action within 45 calendar days of the incident. He or she may elect traditional EEO counseling or ADR (mediation). The counselor then has 30 days to help in resolving the complaint, unless the individual agrees to an extension of up to 60 days. In mediation, the timeframe for the resolution process is 90 days with no extension.

If a resolution is achieved, the counselor or mediator facilitates an agreement. If there is no resolution, the counselor or mediator issues a notice of right to file (NRF). If the employee elects to file a formal complaint, it must be filed with the USDA's Office of Civil Rights (OCR) within 15 calendar days of when he or she received the NRF. OCR will acknowledge receipt of the formal complaint in writing. OCR will determine whether the complaint meets the regulatory requirements for acceptance or dismissal. USDA's investigations of a formal complaint should be completed within 180 calendar days from the filing.

USDA-OCR will provide complaint-specific information, guidance, and assistance to individuals who have filed a formal complaint under 29 CFR 1614. The Customer Service Unit can be reached at (202) 401-0005 or (800) 795-3272.



Conflict Prevention and Resolution Program

The basic philosophy shared throughout APHIS is that conflict is unavoidable, but—properly managed—conflict can lead to creative thinking and result in a more productive, harmonious work environment. To that end, the Conflict Prevention and Resolution (CPR) program provides mediation, facilitation, coaching, leadership transition, team development, and conflict-management training.

Mediation

Mediation is a process where a neutral third party assists two or more parties in resolving conflict. As an impartial third party, the mediator is able to view the conflict objectively and determine if there is an underlying cause for it. Through mediation, the parties not only resolve the issues brought forward but also learn how to communicate with each other more effectively and manage any future conflict better.



Mediation is voluntary and confidential. All APHIS employees, regardless of position or grade, may request mediation if they are (1) personally involved in a conflict, (2) coworkers observing a conflict, or (3) supervisors seeking a resource to resolve a conflict between staff members. CPR also receives referrals to provide mediation services from employee relations specialists, the Prevention of Workplace Violence Coordinator, and other APHIS contacts.

Training

Besides conducting mediation sessions, the CPR team also provides training, on request, covering issues like conflict management and effective communication. The team also designs courses to fit the needs of specific groups. Sometimes there is ongoing conflict between multiple members of a work unit that needs to be addressed. In such situations, the CPR team assists in working with the staff as a whole to determine the root causes of the ongoing conflict and designs an approach to address those specific concerns.

Conflicts Centering on Communication

The CPR team provides consultations to employees and supervisors who have been subjected to conflict, such as challenging, bullying or intimidating statements; profanity; argumentative or belligerent attitudes; or hostility toward authority. Such behavior may be misconduct for which an employee could be held accountable. However, sometimes these incidents arise because the communication styles of involved parties are not compatible. In situations of this sort, the people involved often do not know how to approach each other to resolve the conflict and begin more effective communication. Either supervisors or employees may call on CPR to help them determine the best approach to managing this type of conflict.

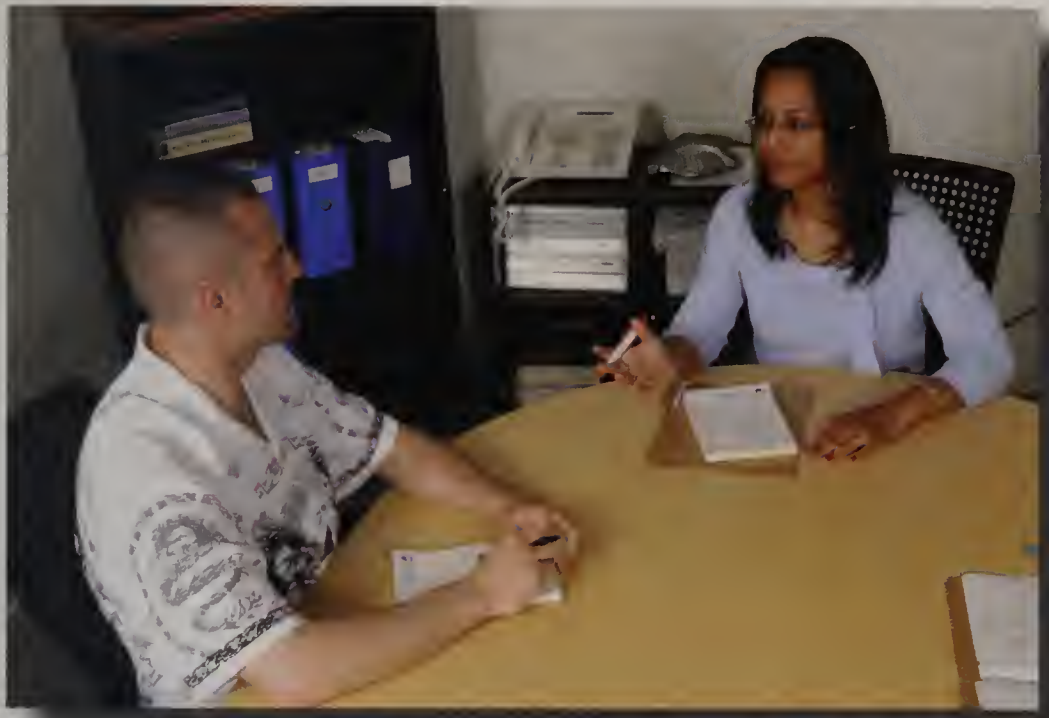
By using active listening, role playing, and other techniques, CPR conducts one-on-one telephone consultations to give the caller tools needed to manage the conflict at hand effectively. If, after a consultation, the requester is uncomfortable approaching the other party, the requester may ask CPR to begin the mediation process.

These approaches provided by CPR can have a positive effect on all of APHIS. For more information, employees may contact CPR at (301) 734-4950.

Administrative Grievance Process

APHIS recognizes that disagreements between employees and managers arise from time to time in the normal course of work. It is APHIS' policy and practice to resolve such disagreements at the lowest level possible through informal discussions, meetings, written notes, and e-mails. However, not all attempts to resolve issues to the employees' satisfaction are successful. As a result, USDA and APHIS have an administrative grievance procedure that gives employees a structured process for having their issues heard and addressed.

The administrative grievance procedure covers all APHIS employees except those in bargaining units, who are covered by a union agreement. Bargaining-unit employees have a similar but separately negotiated grievance procedure that is described in their union's collective bargaining agreement. If you are covered by a union and have questions about the negotiated grievance proce-



cedure, contact your local union representative or the Labor Relations Branch of APHIS' Human Resources Division at (202) 720-9817.

At the informal stage, the administrative grievance procedure may be used to review almost any matter of concern or dissatisfaction under the control of management relating to the employment of a worker. The only exceptions are those matters specifically excluded in the administrative grievance directive. Among issues that are excluded are those that are related to EEO considerations or those covered by other appeal procedures, including those through the Merit Systems Protection Board.

Issues that may be raised in the administrative grievance procedure include, but are not limited to, working conditions; improper application of or failure to follow rules or regulations; suspensions from duty without pay for 14 days or less; letters of reprimand; unfair treatment,

including coercion, restraint, or reprisal (for non-EEO activities); nonselection for training; and changes in assignments, including details and reassignments.

Because the administrative grievance procedure is a structured framework for employees to seek redress on employment issues, there are timeframes that must be followed for initiating and processing a grievance. Information concerning the matters covered by the administrative grievance process and where and how a grievance must be filed can be found in APHIS Directive 460.5, Administrative Grievance System, dated July 11, 1989. This directive is currently being revised.

To view this directive on the Internet, go to the Human Resources Web page at <<http://www.aphis.usda.gov/mrpbs>>. Just click "Human Resources" and then "Employee Relations." Employees can also get help by calling the APHIS Employee Relations Branch at (301) 734-4414 or by contacting the employee relations specialist who services their program. Employees in International Services should contact the Agricultural Marketing Service and Grain Inspection, Packers and Stockyards Administration's Employee Relations Branch for assistance at (202) 720-5721.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

This publication supersedes the black-and-white version of "Managing Employee Issues and Conflict: An APHIS Approach," originally published in 1999.

Issued October 2005

NATIONAL AGRICULTURAL LIBRARY



1022938382